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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,475	11/30/2001	Roger Proksch	41369/LTR/A656	4570
20985	7590	06/29/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			PATIDAR, JAY M	
			ART UNIT	PAPER NUMBER
			2862	

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/016,475
Filing Date: November 30, 2001
Appellant(s): PROKSCH ET AL.

MAILED
JUN 29 2004
GROUP 2800

Scott C. Harris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 15, 2004.

(1) *Real Party In Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

None

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendment After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-3 do stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

2,452,862

NEFF

10-1945

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Neff (US 2,452,862).

Neff discloses a displacement apparatus including a first and second non-magnetic coil forms (2,6) with a common axis, each wound with at least one winding (3,4,5); the outside diameter of the first form with its winding or windings

being smaller than the inside diameter of the second form (Note Fig. 2) so that each may be displaced relative to the other with the first form inside the second form; the winding on the movable form magnetically coupled to the winding on the stationary form and a circuit generating a signal responsive to relative displacement between the coil forms.

(11) Response to Argument

A. In response to appellant's argument that:

"Neff does not teach or suggest the claim limitation of claim 1 that the windings on the stationary form are in absence of any ferromagnetic element inductively coupling windings"

The feature as stated by appellant in the argument is not found in the claim.

However, regarding the limitation as set forth in claim 1 "the winding or windings on the movable form magnetically coupled to the winding or windings on the stationary form in the absence of any ferromagnetic element inductively coupling the windings", Neff clearly discloses in figures 1 and 2 that the winding or windings 5 of movable form 6 is/are magnetically coupled to the winding 3 or

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windings 3,4 on the stationary form 2 in the absence of any ferromagnetic element inductively coupling the windings, particularly since there are no ferromagnetic elements inductively coupling the windings. The coil 5 is a driving coil with an oscillator and coil 3 or 4 is a pick up coil therefore both are magnetically coupled. Most of the coils are wound around the coil forms or bobbins, which are made of plastics. Neff discloses that the core 7 (not coil form) may be an air core or iron core. The coil form is located around the core. The coil form 2 itself generally made of plastic. Therefore, the ferromagnetic element is absent in figure 2.

B. With respect to appellant's argument that

"Neff teaches nothing about using an air core for winding the fixed coil."

This argument is not persuasive because this feature is not found in the claim.

C. With respect to appellant's argument that

"there is no teaching or suggestion that the stationary core is wound without ferromagnetic materials."

This argument is not persuasive because this feature is not found in the claim.

D. With respect o appellant's argument that

"Neff does not teach "the electronic circuitry generates a signal responsive to relative displacements between the core forms in the range of microns or less."

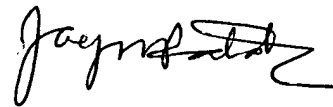
This argument is not persuasive because Neff discloses at Col. 2, lines 23-29 that the electronics circuits including a vacuum tube oscillator and electronic voltmeter circuit are the same as shown in US Patent 2,364,237, this US patent was issued to Neff too. Thus, US Patent 2,364,237 was incorporated in US patent 2,452,862. Neff in US 2,364,237 clearly discloses at Col. 2, lines 13-15 that "The pickup mechanism is capable of accurate measurement in the order of tenths of thousandths of an inch". One of ordinary skill in the art knows that ten thousandths of an inch is microns. For example, 10,000th of an inch is about 2.5 microns. The examiner pointed out in the Advisory that Neff discloses the limitation as stated above.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Jay M. Patidar
Primary Examiner
Art Unit 2862

June 17, 2004

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